

1 AJ KUTCHINS
State Bar No. 102322
2 PO Box 5138
Berkeley, California 94705
3 (510) 841-5635
fax: (510) 841-8115
4 e-mail: ajkutchins@earthlink.net

5 Attorney for Petitioner
DEMETRIUS CONWELL

6 UNITED STATES DISTRICT COURT
7
8 NORTHERN DISTRICT OF CALIFORNIA

9 **DEMETRIUS CONWELL,**

10 **Petitioner,**

vs.

No. C-05-2930 MMC (PR)

11 **JEANNE WOODFORD, et al.,**

12 **Respondents.**

13 **CERTIFICATE OF APPEALABILITY**

14
15 Having considered the Application of Petitioner Demetrius Conwell and all of the
16 documents on file in this matter, and finding good cause therefor, the Court determines that
17 Petitioner has made a substantial showing of the denial of a constitutional right in regard to
18 three of the claims set forth in the above-captioned habeas corpus petition. The Court
19 accordingly certifies the appealability of Petitioner's claims based on: (1) trial counsel's
20 alleged ineffectiveness in failing to investigate and present forensic medical evidence, (see
21 Order Denying Petition for Writ of Habeas Corpus, filed September 29, 2007, at 28:22-
22 31:14); (2) the allegation that the state trial court did not adequately instruct the jury that
23 petitioner could not be found guilty of involuntary manslaughter unless he caused the
24 victim's death, (see id. at 16:25-19:19); and (3) the state trial court's alleged failure to
25 adequately answer the jury's inquiries during deliberations, (see id. at 25:13-28:21).

26 **IT IS SO ORDERED.**

27 Dated: October 30, 2007

28 

HON. MAXINE M. CHESNEY
United States District Judge